

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:06-CR-430-FDW

UNITED STATES OF AMERICA)	
)	
vs.)	
)	
JOSEPH DiBRUNO, JR.,)	ORDER
)	
Defendant.)	
)	

The government has requested to interview Andrew Culler, former counsel of defendant Joseph DiBruno, Jr., based upon defendant's motion to withdraw his plea, which asserts that he was improperly coerced into entering a plea by Mr. Culler's ineffective representation.

Because the government's request goes to the heart of the defendant's allegations, the government is authorized to interview Mr. Culler in preparation for the hearing on defendant's motion and to subpoena Mr. Culler to the hearing. The government and Mr. Culler should exercise due care to limit the disclosure of confidential and/or privileged communications to the issues relating to the motion, but the defendant's motion necessarily acts as a de facto waiver of Mr. Culler's ethical duty of confidentiality and the defendant's attorney-client privilege.

IT IS SO ORDERED.

Signed: September 18, 2008



Frank D. Whitney
United States District Judge
